

**Meringolo & Associates, P.C.**  
375 Greenwich Street  
New York, New York 10013  
(212) 941-2077 / (212) 202-4936 fax  
www.meringololaw.com

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September 14, 2022

**VIA ECF**

Honorable Analisa Torres  
United States District Court Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: *United States v. Timothy Shea*, 20-CR-412 (AT)**

Dear Judge Torres:

On behalf of defendant Timothy Shea, we respectfully write the Court to request an adjournment of the current retrial scheduled for October 24, 2022 due to an unavoidable scheduling conflict. I have been retained to represent the Trump Payroll Corporation in its criminal trial scheduled to begin on the very same date as Mr. Shea's retrial - October 24, 2022 - in the New York State Supreme Court. *See People of the State of New York v. The Trump Organization, et al.*, 1473/2021. We make this request with the consent of Mr. Shea, as well as the consent of his co-defendants, Brian Kolfage and Andrew Badolato, and their counsels, to the extent any retrial adjournments affect their sentencing dates which are scheduled in December. The government does not consent to this request.

I was contacted to be retained on this matter after the Trump Organization's co-defendant and Chief Financial Officer, Allen Weisselberg, pleaded guilty three weeks ago. As part of his plea agreement, Mr. Weisselberg will be testifying against the remaining corporate defendants. Because this new development drastically changed the scope of the trial, additional counsel for the Trump Payroll Corporation defendant was needed. Susan Necheles, lead counsel for the Trump Organization, who is my mentor, friend, and arguably, one of the best trial attorneys in New York, personally recommended me and I was subsequently retained. Ms. Necheles recommended me without any prior knowledge of my trial schedule.

I immediately filed a notice of appearance on behalf of Trump Payroll Corporation, *See Exhibit A*, and simultaneously, I submitted an affirmation of actual engagement with the Honorable Juan Merchan of the New York State Supreme Court, requesting to adjourn the trial to accommodate Mr. Shea's trial schedule. *See Exhibit B*. As stated in my affirmation, I believed that Mr. Shea's trial would take precedence under the factors enumerated in 22 NYCRR § 125.1(c)-(d). The District Attorney's office opposed my request. My request was subsequently

denied by Judge Merchan in light of the court's previous rulings, back in August 2021, that the Trump Organization trial would be firmly scheduled in the Fall of 2022. *See Exhibit C.* The Trump Organization trial was scheduled so far in advance in light of the case's complexity, the number of defendants and attorneys involved, as well as other logistical considerations. The trial is estimated to last approximately four to six weeks.

In contrast, Mr. Shea's second trial, if the first trial is any indicator, is expected to last less than one week, not including jury selection and deliberation. Unlike the Trump Organization matter, Mr. Shea is the sole defendant proceeding to trial. Mr. Shea is released on bond and consents to an adjournment. Lastly, we note that this adjournment request is made in conjunction with counsel's other pending adjournment request which was made because of the government's untimely disclosure of a laptop belonging to Mr. Shea.

Therefore, we respectfully and humbly request that the Court grant an adjournment of Mr. Shea's October 24, 2022 trial date.<sup>1</sup>

Thank you for your consideration of this request.

Respectfully submitted,

/s/  
John Meringolo, Esq.

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<sup>1</sup> As the Court is aware, I was appointed to represent Mr. Shea pursuant to the Criminal Justice Act ("CJA"). I have been on the CJA panel in the Southern District of New York since 2008 and on the Second Circuit Court of Appeals panel since 2013.